

Appl. No. 09/216,545

Amendment dated January 23, 2004

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Claims 40-49 are pending in the instant application. In the Final Office Action mailed November 25, 2003, the Examiner rejects claims 40-49 and the Examiner objects to the specification. Based on the amendments and remarks made herein, Applicants respectfully request that the objections and rejections be withdrawn and that the application be passed to allowance.

1. Paragraphs 1 and 4 of the Final Office Action Mailed November 25, 2003

In paragraph 1 of the Final Office Action mailed November 25, 2003, the Examiner indicates that "the amendment to page 22, lines 1-7 does not comply with 37 CFR 1.121 because such does not include the entire paragraph and the portion provided does not correspond textually to page 22, lines 1-7 as they appear in the application." In paragraph 4 of the Final Office Action mailed November 25, 2003, the Examiner indicates that "the disclosure is objected to because of the following informalities: In the Summary of the Invention section, page 22 of the amendment, line 2, "are" should be --is--, on line 5, "panels" should be --panel-- and "edges" should be --edge--." On page 5 of Applicants' "Amendment A" filed on July 8, 2003, Applicants intended to provide a new version of lines 1-7 on page 22 of the Preliminary Amendment filed on December 18, 2002 (not lines 1-7 on page 22 of the application as filed). Applicants would like to direct the Examiner's attention to paragraph 5 of the Office Action mailed on April 4, 2003 (Paper No. 24) in which the Examiner requested that amendments be made to "page 22 of the amendment" (not the application as filed). For the Examiner's convenience, Applicants have again provided a new version of lines 1-7 on page 22 of the Preliminary Amendment filed on December 18, 2002 implementing the changes suggested by the Examiner in paragraph 4 of the present Final Office Action.

2. Paragraph 3 of the Final Office Action Mailed November 25, 2003

In paragraph 3 of the Final Office Action mailed November 25, 2003, the Examiner objects to the Abstract of the disclosure as still being too long (> 150 words). Applicants have further amended the Abstract herein.

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3. Paragraph 5 of the Final Office Action Mailed November 25, 2003

In paragraph 5 of the Final Office Action mailed November 25, 2003, the Examiner objects to claim 49 because of an informality, namely that in line 2 of subsection f), "one" should be ~~on~~. Applicants amend claim 49 herein in accordance with the Examiner's suggestion.

4. Rejection of Claims 40-49 As Obvious

(Paragraphs 7-9 of the Final Office Action Mailed on November 25, 2003)

In the Final Office Action mailed November 25, 2003, the Examiner rejects claims 40-49 as being unpatentable under 35 U.S.C. §103(a) over U.K. Patent Application 2 308 290 issued to Fernfors and assigned to SCA Mölnlycke AB (hereinafter "the SCA publication") in view of U.S. Patent No. 6,036,805 issued to McNichols (hereinafter "the McNichols patent"). In paragraph 8, the Examiner states "Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as McNichols '805 at the time this invention was made." The Examiner further states "Accordingly, McNichols '805 is disqualified as prior art through 35 U.S.C. 102(f) or (g) in any rejection under 35 U.S.C. 103(a) in this application. However, this applied art additionally qualifies as prior art under another subsection of 35 U.S.C. 102 and accordingly is not disqualified as prior art under 35 U.S.C. 103(a)". In a telephone conference that took place between the Examiner and the undersigned during the second week of December 2003, the Examiner expressed her belief that the McNichols patent constituted §102(a) art to the present application. Further in paragraph 9 of the Final Office Action, the Examiner states "The McNichols reference qualifies as prior art under 35 USC 102(a) however and the instant application is an RCE of a [sic] underlying application which was filed prior to 11-29-99." As stated in the paragraph numbered "1" in the Amendment A filed by Applicants on July 8, 2003, the present application is a Continued Prosecution Application and not a Request for Continued Examination. Applicants respectfully submit that the first publication of the McNichols patent was as International Publication WO 99/65439 on December 23, 1999. The present application was filed on December 18, 1998. Hence, the McNichols patent is not §102(a) prior art to the present application. Applicants respectfully submit that the rejection should be withdrawn.

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In conclusion, and in view of the remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of pending claims 40-49. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-2433.

The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account. A duplicate of this sheet is provided.

Respectfully submitted,

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By:

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Mary L. Roberts, hereby certify that on January 23, 2004, this document is being transmitted via facsimile addressed to Commissioner for Patents, Right Fax No. 703-872-9306.

By:

Mary L. Roberts

Mary L. Roberts